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Letter dated 14 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 9 June 2004 (S/2004/502). The Counter-Terrorism Committee has received the attached third report from Mozambique submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 14 March 2005 from the Permanent Representative of Mozambique to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

My Government has instructed me to convey to Your Excellency, in your current capacity as Chairman of the Security Council Counter-Terrorism Committee, the attached third report on the domestic measures to prevent and combat terrorism in Mozambique pursuant to Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Filipe **Chidumo**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations

Mozambique

Third report on the implementation of resolution 1373 (2001) of the Security Council of the United Nations concerning the prevention and combating of terrorism

Operative paragraph 1
1.2

Mozambique is aware of the fact that its legislation should also enable the authorities to freeze funds without delay in accordance with operative paragraph 1)a) of Security Council resolution 1526 (2004).

Further adaptations will be triggered by the 9 Special Recommendations of the

Financial Action Task Force (FATF) on Terrorism Financing and by the accession of Mozambique to the *International Convention for the Suppression of the Financing of Terrorism* which it has ratified on 14 January 2003.

Mozambique is preparing domestic legislation to comply with the requirements of the twelve legal international instruments concerning terrorism. More specifically Mozambique is going to prepare national legislation in accordance with the International Convention for the Suppression of the Financing of Terrorism, taking into consideration the provisions on the universal jurisdiction, preparatory acts and the necessity to criminalize the financing of terrorism even if the fund used therefore are not proceeds of crime.

1.3

In accordance with Mozambique legislation as soon as there is a request for freezing funds, financial assets or economic resources, the Mozambique judge will order, without delay, the freezing, as requested.

Sub-paragraph 1)d)

Mozambique is ready to negotiate bilateral, regional and multilateral agreements or to negotiate the inclusion into mutual legal assistance treaties of specific provisions designed to trace funds given abroad for charitable, social, religious and cultural goals in Mozambique and *vice versa*.

Mozambique will request UNODC and the IMF to provide coordinated legal advisory services for the drafting of a financing of terrorism legislation and the establishment of a Financial Intelligence Unit (FIU). Training of personnel tasked with the implementation of this law and the management of the FIU will be equally crucial.

There are already in place mechanisms for general control of the financial movement through information provided by private banks to the Central Bank. These mechanisms are not yet targeting those organizations related to charity, religious and similar institutions but expect technical assistance from CTC and UNODC to improve its system in this sector.

Operative paragraph 2
Sub-paragraph 2)a)

Mozambique ratified the United Nations Convention against Transnational Organized Crime and its three Protocols against trafficking in persons, smuggling of migrants and the manufacturing of and trafficking in firearms.

The deposit of this ratification is going to be made as soon as possible in New York

The importance of implementing the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing is stressed by the need to reduce the trafficking in firearms in the country.

This all the more so, since Mozambique participated in the *United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, held in New York from 9 to 20 July 2001, which recognized that this Protocol establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

On 29 June 2002, the *World Customs Organization* (Customs Cooperation Council) of which Mozambique is a member State has adopted a Recommendation concerning the *Protocol against the Illicit Manufacture of and Trafficking in Firearms, their Parts and Components, supplementary to the United Nations Convention against Transnational Organized Crime*. This document recommends the adoption of the principles enshrined in the Protocol in order to strengthen the controls over the import, export and transit movement of firearms and to apply the principles of the Firearms Protocol to all classes of firearms, their parts and components and ammunition.

2.b

There is not a mechanism in place in Mozambique to provide early warning on terrorist activities. However the cooperation with SADC and INTERPOL might be of use in detecting terrorists operations in the region.

This subject could also be foreseen in the legislation against terrorism for which Mozambique requests technical assistance to be provided.

Sub-paragraph 2)f)

As a member of INTERPOL, Mozambique looks forward to increasing cooperation with this organization and avail itself of the technical assistance programmes which INTERPOL offers, in particular in the field of counter-terrorism. Mozambique will approach INTERPOL with a specific request in the near future. In this context, Mozambique benefited from the visit to INTERPOL's office in a study-tour jointly organized by UNODC and the Government of Portugal in Lisbon, in November 2003.

Operative Paragraph 3
Sub-paragraph 3)a)

Mozambique deposited its instrument of ratification for the Protocol Relating to the Establishment of the Peace and Security Council of the African Union on 2 June 2003. It is an objective of this Protocol to "coordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects".

Sub-paragraph 3)c)

On 2 June 2004, defence ministers from the Community of the Portuguese-Speaking Countries (CPSC) meeting in Bissau agreed to enhance their information exchanges in the fighting against terrorist threats.

Sub-paragraph 3) d) and e)

Domestic legislation to implement the 12 universal international conventions against terrorism as well as Security Council resolution 1373 (2001) will be finalized very soon. The Mozambican authorities intend to carry out this task with the assistance of relevant international and regional organizations such as UNODC and the International Monetary Fund (IMF), the African Union and CPSC.

Sub-paragraph 3)g)

Article 103 of the Mozambican Constitution provides that "*Extradition for Political Motives shall not be authorized*". In view of sub-paragraph 3(g) of Security Council resolution 1373 (2001) and of

- Article 11 of the International Convention for the Suppression of Terrorist Bombings and
- Article 15 of the International Convention for the Suppression of the Financing of Terrorism,

Mozambique will take the necessary legislative steps in order to ensure that none of the offences set forth in the 12 universal conventions against terrorism are regarded in Mozambique as political offences or offences connected with political offences or as offences inspired by political motives.

Nevertheless, since according to Article 62(2) of the Mozambican Constitution, Mozambique observes and applies the principles of the United Nations Charter and hence respects international law, it is already bound by the above mentioned legal provisions according to which a request for extradition or for mutual legal assistance may not be refused in the sole ground that it concems political offences or offences connected with political offences or offences inspired by political motives.

Mozambique does not have legislation on international cooperation. Mozambique is however ready and willing to cooperate with any other country to obtain evidence or conduct joint investigations when needed. Mozambique already cooperates with SADC and INTERPOL. Mozambique has also bilateral agreements on extradition and mutual legal assistance with Zimbabwe and Portugal.

On the multilateral level, there is an agreement being finalized for the Portuguese-speaking countries. With the African Portuguese-speaking (PALOPs) Mozambique has finalizes also the Mutual Legal Assistance between those countries that agreement. This Legal instrument has including one

session regarding extradition. Moreover, Mozambique accepts as a legal basis for extradition and a mutual legal assistance the Transnational Organized Crime Convention.

Mozambique also accepts as a basis for extraditions all the extraditable offences covered by the 10 International Legal Instruments against Terrorism. As far as mutual legal assistance is concerned, *ad hoc* arrangements can be made with the judicial authorities in Mozambique for collecting evidence in the shortest time possible and as a matter of urgency in order to enable other countries to make successful prosecution in any criminal case but especially in terrorist cases.

Mozambique would like to draft a legislation on mutual assistance for which requests UNODC´s assistance. Mozambique further requests that basic equipments like, computers, Xerox and Fax machines in order to be able to communicate with other countries and, effectively provide mutual legal assistance when required.

Border control is still very incipient. Mozambique has requested assistance for the strengthening immigration and border control. Mozambique is pleased to learn that the initial assistance submitted by Mozambique was forwarded to potential assistance-providers. Mozambique can not provide specific and detailed needs of the country because it needs a special assessment mission in order to evaluate the most urgent needs of the country with experts on this field.